

**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

UNITED STATES OF AMERICA,

Case No.: 2:20-cr-00195-APG-EJY

Plaintiffs

**Order Accepting Report and  
Recommendation and Denying Motion to  
Dismiss**

v.

DARNELE NELSON,

[ECF Nos. 28, 49]

Defendant

On February 11, 2022, Magistrate Judge Youchah recommended that I deny defendant Darnele Nelson's motion to dismiss this case. ECF No. 49. Nelson did not object. Thus, I am not obligated to conduct a de novo review of the report and recommendation. 28 U.S.C. § 636(b)(1) (requiring district courts to "make a de novo determination of those portions of the report or specified proposed findings to which objection is made"); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003) (en banc) ("the district judge must review the magistrate judge's findings and recommendations de novo *if objection is made*, but not otherwise" (emphasis in original)); *see also* LR IB 3-2. Nevertheless, I have reviewed the motion on the merits, and I agree with Judge Youchah's recommendation.

I THEREFORE ORDER that Magistrate Judge Youchah's report and recommendation (ECF No. 49) is **accepted** and defendant Darnele Nelson's motion to dismiss (ECF No. 28) is **DENIED**.

DATED this 2nd day of March, 2022.



ANDREW P. GORDON  
UNITED STATES DISTRICT JUDGE